VI

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920, THE MADRAS LOCAL BOARDS ACT, 1920, AND THE MADRAS GENERAL CLAUSES ACT, 1891.

Mr. J. A. SALDANHA :—" Sir, I beg to present the [a] Report of the Select Committee appointed to consider the Bill to amend the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, and the Madras General Clauses Act, 1891, and move that the Bill, as amended by the Select Committee, be taken into consideration."

Mr. K. R. KARANT :—" I second the motion."

The motion was carried and the Bill was taken into consideration.

* The hon. the PRESIDENT :—" Clause 1 is for the consideration of the House."

Mr. A. B. SHETTY :—" Mr. President, I move that in line 2, after the figure '1920', the words 'and the Madras Local Boards Act, 1920' be inserted."

* The hon. the PRESIDENT :—" Order, order. I wish to know before the hon. Member proceeds further, how his amendment is relevant to this Bill. The scope of the Bill is only to amend the District Municipalities Act. He is going beyond the scope of the Bill."

* Mr. A. KALESWARA RAO :—" Sir, I beg to submit that Mr. Saldanha introduced the Bill to amend the Madras District Municipalities Act, the Madras Local Boards Act and the Madras General Clauses Act. But when it was referred to the Select Committee, that body confined the scope of the Bill to a declaration instead of a statement that all wells, tanks, etc., that are vested in and are maintained by municipalities should be open for the use and enjoyment of all castes and creeds and that anyone who obstructs such use and enjoyment should be punished with a fine not exceeding Rs. 100. Now, we propose to go back upon the Report of the Select Committee and include similar provisions in the Local Boards Act also. I submit that it can be done."

* The hon. Dr. P. SUBBARAYAN :—" As a matter of fact Mr. Saldanha's original Bill referred to both the Madras District Municipalities Act and the Madras Local Boards Act and there is a dissenting minute of Mr. A. Kaleswara Rao with regard to this provision."

The hon. the PRESIDENT :—" Mr. Shetty may go on with his speech."

Mr. A. B. SHETTY :—" Sir, my hon. Friend's object was to throw open to all citizens without distinction of caste, creed or colour, the use of streets, tanks or other public places maintained out of public funds by a municipality or a local board. The Select Committee, while making the provision more effective have sought to restrict its scope to the District Municipalities Act as Mr. Veerian's Act of 1927 has already dealt with this matter in regard to the Madras Local Boards Act. As my hon. Friend, Mr. Kaleswara Rao, points out in his dissenting minute, Act I of 1927 confines itself to roads and markets. If the right of all classes of people to the use of wells and tanks maintained by local boards is to be established, amendments similar to those made in the District Municipalities Act should also be made in the Local Boards Act. My hon. Friends, Rao Sahib R. Srinivasan and Mr. Kaleswara Rao, have given notice of amendments proposing to add a new clause to this

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Bill for this purpose. If that amendment is to be accepted, then the preamble should be amended as proposed by me . . ."

* The hon. the PRESIDENT :—" No. We have first to move amendments to clause 1. The preamble will be looked into later on. I requested the hon. Member to move amendment No. 2."

Mr. A. B. SHETTY :—" Sir, it is necessary that clause 1 also should be amended as proposed by me."

* The hon. the PRESIDENT :—" The preamble will be taken up later on."

11-45 a.m. Mr. A. B. SHETTY :—" I do not see any reason why you should restrict the scope of this Bill. In answering question No. 763 which was asked on the 16th March 1929 the Government said that a number of wells, tanks, etc. . . ."

* The hon. the PRESIDENT :—" I think it will meet the convenience of the House if we postpone the consideration of clause 1 till amendments Nos. 8 and 9 are carried out. If they are carried out then the necessity arises to amend clause 1 as well as the preamble of the Bill. If those amendments are not carried but if these are carried it will be an inconsistency."

* The hon. Dr. P. SUBBARAYAN :—" I move that the consideration of clause 1 be postponed till we dispose of amendments Nos. 8 and 9."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I second it."

The motion was carried.

Clause 2.

Mr. K. V. R. SWAMI :—" I beg to move—

'*In line 4, after the words " vested in " the words " or to be vested in " be inserted.*'

" This is only a verbal amendment. I want to bring under this Bill not only all the roads that are at present vested but also all the roads that are to be vested hereafter."

Mr. ABDUL HAMEED KHAN :—" I second it."

The amendment was carried.

Mr. K. V. R. SWAMI :—" I beg to move the amendment standing in my name which runs as follows :—

'*In line 5, after the word " open " insert the words " at all times ".*'

" Sir, this is an amendment to widen the scope of the Bill. I want that the tanks, springs, wells or roads should be kept open not only at a particular time but at all times of the day."

Mr. L. K. TULASIRAM :—" I second it."

* The hon. Dr. P. SUBBARAYAN :—" I should like to know the scope of this amendment because I think it is quite unnecessary as it stands. The fact that the tank or the well or the spring is kept open the whole day amply meets the ends of the case."

Mr. ABDUL HAMEED KHAN :—" I am afraid the hon. the Minister has not known cases where the tanks are kept open only during particular parts of a day. I think an amendment of this sort is absolutely necessary."

Mr. A. KALESWARA RAO :—" I submit that the amendment is quite unnecessary, because any well or tank that is maintained by a municipal council or a local body will be kept open at such time as is necessary for the

use of the public. I therefore think that an amendment of this sort is quite unnecessary. If we add a new phrase like the one that has been proposed, it may import some new meaning and consequently some serious consequences may result."

The amendment was put and negatived.

Clause 2, as amended, was put, passed and added to the Bill.

Clause 3.

Mr. K. V. R. SWAMI :—"I beg to move—

'*In line* 5, *after the word* "*creed*" *insert the words* "*except where special facilities are available for such creeds and castes*".'

"My idea in proposing this amendment is that the changes proposed by this House may not be acceptable to the outside public. My object in moving this amendment is to enable the depressed classes to have full access to wells and tanks so that they may enjoy water facilities along with other classes of people. But wherever there are such facilities they need not encroach upon the rights of other people simply because the wells or the tanks have been maintained by the local boards for the revenues of which all classes of people have contributed their respective shares. Of course I recognize the rights of every class of people to enjoy these wells and tanks but for the present to avoid trouble I propose this amendment."

The hon. the PRESIDENT :—"The motion is lost for want of a seconder."

Mr. S. ARPUDASWAMI UDAYAR :—"I second it."

The hon. the PRESIDENT :—"The hon. Member has not been alert."

Clause 3 was put, passed and added to the Bill.

Clauses 4 and 5 were successively put, passed and added to the Bill.

New clause 6.

Rao Sahib R. SRINIVASAN :—"I beg to move the amendment which stands in my name and which runs as follows :—

'*After section* 124 (1) *of the Madras Local Boards Act*, 1920, *the following section shall be inserted, viz.* :—

"124. (1) (*a*) *All such public and private springs, tanks and other places set apart for any of the aforesaid purposes, shall be open to person or persons of whatever caste or creed.*"

'*In Schedule VIII to the said Act, after item relating to section* 124, *the following item shall be inserted, viz.* :—

"124-*A. Obstructing any person or persons in using the water set apart for public use.* — *Fifty rupees*".'

"I formally move it."

Mr. N. SIVA RAJ :—"I second it."

The hon. Dr. P. SUBBARAYAN :—" I am afraid I must oppose this amendment, because the word 'private' is used. With regard to the use of public wells and tanks, I am quite willing to accept the amendment, but with regard to private wells, etc., I am afraid I cannot accept the amendment."

Rao Sahib R. SRINIVASAN :—" I have no objection to delete the word 'private' from the amendment."

The amendment was put and negatived.

Mr. A. KALESWARA RAO :—" I beg to move the amendment standing in my name which runs as follows :—

'*Add a new clause* 6 *to the Bill, namely* :—

" 6. (i) *After section* 124 *of the Madras Local Boards Act*, 1920, *the following section shall be inserted, viz.* :—

124–*A*. *All public springs, tanks, wells and water courses vested in or maintained by any local board shall be open to use and enjoyment by persons of whatever caste or creed.*

(ii) *In Schedule VIII of the Madras Local Boards Act*, 1920, *after the item relating to section* 124 (2), *the following shall be inserted, namely* :—

124-*A*. *Obstructing a person in the use and enjoyment of a public spring, tank, well, or water course.*	*Fifty rupees*".'

" Sir, in moving this amendment I beg to submit that it is necessary that we should recognize the right of all castes and creeds to the use and enjoyment of all public wells, tanks and water courses and springs that are vested in the local boards. In villages the difficulties of these depressed classes are very many in their not being allowed the use of public wells, etc. Local bodies are maintained by taxes raised from all classes of people irrespective of their castes and as such the tanks, wells, springs, etc., maintained by those bodies should be thrown open to all classes of people for their use. I submit that the time has come when the Legislative Council should pass such a law and throw open all public wells, tanks, etc., to all castes and creeds, and punish any person who tries to obstruct the people on mere grounds of sentiment."

Mr. V. I. MUNISWAMI PILLAI :—" I second it."

* Mr. A. RANGANATHA MUDALIYAR :—" Sir, I am not quite sure whether hon. Members of this House are fully cognizant of the implications involved in this amendment if this Bill is passed into law. The amendment refers to public wells, springs, tanks, etc. Now a public spring or a well or a tank continues to be a public spring or a well or a tank even though all people may not be entitled or are not permitted to use it.

12 noon. " For example in many villages where there are public wells their use is restricted to one class, viz., the caste people of the village. As regards the depressd classes, it has been the immemorial custom in such villages for the caste people to take out water from these wells and pour it out for the use of the depressed classes. I do not say that that custom is a good one or a bad

7th August 1929] [Mr. A. Ranganatha Mudaliyar]

one. Personally I think this custom must go and all distinctions must disappear. But we are not speaking here as private individuals; we are concerned with the public well-being of the people and what is more important with the preservation of peace and order among the different classes and peoples of this country. I for one think that if a rule of this sort is enforced it is bound to cause friction between class and class and lead to ill-will and class hatred instead of harmony among them."

* The hon. the PRESIDENT :—" Before the discussion proceeds further I wish to have one doubt cleared. The original Bill of Mr. Saldanha, which was sent up to the Government of India for sanction, did not contain any penal provisions. These penal provisions were inserted by the Select Committee in their Bill. The Governor-General has given sanction to him but it related only to offences committed in municipalities. It is proposed now to introduce penal provisions with regard to local bodies also. The question is whether the amendment before the House requires the previous sanction of the Governor-General. If hon. Members are not prepared now to consider the question, it is better to postpone the consideration of this amendment to a future date and examine the question."

Mr. SAMI VENKATACHALAM CHETTI :—" Sir, I have a doubt and I hope the hon. the Minister will clear it up. It is suggested that all public springs, tanks, etc., should be thrown open to the public to whatever class or creed they may belong. Municipalities must have the power to prevent the use of certain springs, etc., by the public during certain seasons of the year. If there should be epidemics, the municipality or the local board will be within its right to prevent the public to whatever class or creed they may belong from using the tanks. As the motion is worded, it makes the municipal councils, which promulgate sanitary regulations, liable to the payment of fine . . ."

* The hon. the PRESIDENT :—" The hon. Member is speaking on the merits of the question. Is he raising any point of order?"

Mr. SAMI VENKATACHALAM CHETTI :—" I would like the hon. the Minister to say whether it is the intention of the Government that such municipalities or local bodies should be fined."

* The hon. the PRESIDENT :—" The hon. Member was not alert enough when the previous clauses of the Bill were considered. The amendment refers to corresponding provisions with regard to rural areas."

The hon. Dr. P. SUBBARAYAN :—" The Government of India have accorded sanction to the amendment of Rao Sahib R. Srinivasan."

* The hon. the PRESIDENT :—" The hon. the Minister himself was instrumental in throwing that amendment out."

Mr. A. KALESWARA RAO :—" Mr. President, Sir, I have given notice of a Bill with exactly the same wording and I have got the sanction of His Excellency the Governor and His Excellency the Governor-General of India. If that sanction is enough, I may be permited to move my amendment."

The hon. the PRESIDENT :—" On a previous occasion I had held tentatively that the sanction obtained for a Bill cannot be utilized for the purpose of bringing in the provisions of that Bill by way of amendment. I am re-examining that question. Perhaps it may not be convenient for the House also to use the sanction which has been obtained for a Bill to make an amendment to another Bill the scope of which may be quite different."

Mr. P. C. VENKATAPATHI RAJU :—" Sir, with your permission I move—

'*that the further consideration of this business be adjourned till the next meeting of the Council*'."

Mr. K. KOTI REDDI :—" I second it."

* Mr. P. SIVA RAO :—" Sir, as you have ruled that the sanction obtained for the introduction of a Bill should not be made use of for an amendment, I do not think that the course proposed by my hon. Friend, Mr. Venkatapathi Raju, is the right one to be adopted in a case of this sort. I suggest that this amendment may kindly be dropped by the hon. Member from Bezwada, and that, if he is so advised, he may take steps to introduce his Bill and to go on with the further stages of that Bill. There is absolutely nothing gained by holding in abeyance the consideration of the present Bill because the original Bill formulated by the hon. Member for South Kanara made no reference whatever to this provision regarding public wells and springs. By no stretch of imagination can it be said that this provision could be considered in connexion with the Bill before the House. The best course for the hon. Member from Bezwada will be to drop the amendment altogether and to move for the introduction of his Bill which has obtained the sanction of His Excellency the Governor-General. In that view I oppose the motion."

Mr. A. KALESWARA RAO :—" I beg to submit that I have no objection to withdraw the amendment and proceed with my Bill which is ready for introduction. I have already obtained the sanction of Their Excellencies the Governor and the Governor-General for my Bill and I promise to introduce it if the House has no objection."

Mr. P. C. VENKATAPATHI RAJU :—" I press my motion."

The hon. the PRESIDENT :—" The question is that the consideration of this business be adjourned till the next meeting of the Council."

The motion was put and declared lost.

12-15 p.m. A poll was demanded and the House divided thus :—

Ayes.

1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
2. ,, Sir Thomas Moir.
3. ,, Diwan Bahadur M. Krishnan Nayar.
4. ,, Mr. A. Y. G. Campbell.
5. ,, Mr. M. R. Seturatnam Ayyar.
6. ,, Mr. S. Muthiah Mudaliyar.
7. ,, Dr. P. Subbarayan.
8. Dr. (Mrs.) S. Muthulakshmi Reddi.
9. Mr. Hilton Brown.
10. ,, H. A. Watson.
11. ,, A. G. Leach.
12. ,, J. Gray.
13. ,, S. V. Ramamurti.
14. ,, C. B. Cotterell.
15. ,, V. Ch. John.
16. ,, M. A. Manikkavelu Nayakar.
17. ,, Syed Tajudin Sahib.
18. ,, H. B. Ari Gowder.
19. ,, A. B. Shetty.
20. ,, J. Bheemayya.
21. Mr. P. J. Gnanavaram Pillai.
22. ,, Mahmud Schamnad.
23. ,, Muppil Nayar of Kavalappara.
24. The Zamindar of Singampatti.
25. Subadar Major S. A. Nanjappa Bahadur.
26. Mr. T. M. Narayanswami Pillai.
27. ,, K. Krishnan.
28. ,, N. Siva Raj.
29. ,, M. V. Gangadhara Siva.
30. ,, V. I. Muniswami Pillai.
31. ,, S. Subrahmanya Moopanar.
32. ,, S. Venkiah.
33. ,, S. V. Vanavudaiya Gounder.
34. ,, Daniel Thomas.
35. Rao Sahib R. Srinivasan.
36. Mr. G. R. Premayya.
37. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
38. Mr. K. Ramachandra Padayachi.
39. ,, U. Ramaswami Ayyar.
40. ,, S. Arpudaswami Udayar.
41. ,, S. N. Dorai Raja.

7th August 1929]

Ayes—cont.

42. Mr. P. C. Venkatapathi Raju.
43. ,, K. Koti Reddi.
44. ,, R. Srinivasa Ayyangar.
45. ,, Sami Venkatachalam Chetti.
46. ,, S. Satyamurti.
47. ,, C. V. Venkataramana Ayyangar.
48. ,, J. A. Saldanha.
49. ,, G. Harisarvottam Rao.
50. ,, Basheer Ahmed Sayeed Sahib.
51. ,, C. S. Govindaraja Mudaliyar.
52. ,, Abdul Hameed Khan.
53. ,, L. K. Tulasiram.
54. ,, K. V. R. Swami.
55. ,, D. Narayana Raju.
56. ,, K. R. Karant.
57. ,, K. Madhavan Nayar.
58. ,, P. Anjaneyulu.
59. ,, A. Parasurama Rao.
60. ,, C. Ramasomyajulu.
61. ,, T. Adinarayana Chettiyar.
62. ,, Ahmed Miran Sahib.
63. ,, Sriman Biswanath Das Mahasayo.
64. Mr. K. Uppi Sahib.
65. ,, M. Narayana Rao.
66. ,, B. Venkataratnam.
67. ,, A. Ranganatha Mudaliyar.
68. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
69. Mr. K. P. Raman Menon.
70. ,, R. Nagan Gowda.
71. ,, C. R. Parthasarathi Ayyangar.
72. ,, Chavadi K. Subrahmanya Pillai.
73. The Maharaja of Pithapuram.
74. Mr. B. Ramachandra Reddi.
75. Rao Bahadur Sir A. P. Patro.
76. Diwan Bahadur P. C. Ethirajulu Nayudu.
77. Khan Bahadur Abdul Razack Sahib Bahadur.
78. Mr. Kadir Muhi-ud-din Sahib.
79. Diwan Bahadur S. Kumaraswami Reddiyar.
80. Mr. T. M. Moidoo Sahib.
81. Rao Bahadur K. Sitarama Reddi.
82. ,, B. Muniswami Nayudu.

Noes.

1. Mr. P. Siva Rao.

Neutral.

1. Mr. C. E. Wood.
2. ,, A. J. Leech.
3. ,, F. E James.
4. ,, R. J. C. Robertson.
5. ,, T. C. Srinivasa Ayyangar.
6. Mr. A. Kaleswara Rao.
7. ,, C. N. Muthuranga Mudaliyar.
8. ,, K. Krishnaswami Nayakar.
9. ,, Rao Bahadur C. S. Ratnasabhapati Mudaliyar.

Ayes 82. *Noes* 1. *Neutral* 9.

The motion was carried and the consideration of the business was adjourned.

VII

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920.

Mr. A. Kaleswara Rao :—" Mr. President, Sir, I beg to present the [a]Report of the Select Committee on Bill No. 17 of 1928, that is, a Bill to amend the Madras District Municipalities Act, 1920, and move that the Bill be taken into consideration."

Mr. T. Adinarayana Chettiyar : —" I second it."

The hon. the President :—" The question is that the Bill as amended by the Select Committee be taken into consideration."

* The hon. Dr. P. Subbarayan :—" Mr. President, Sir, I rise to oppose this measure, not merely on the ground that the Government have a Bill under consideration, but on the general principle that the amendments proposed by the Select Committee are not acceptable to the Government and such people as I have consulted in other parties are also against many of the provisions which are contained in Mr. Kaleswara Rao's Bill. (An hon. Member : Have you consulted the parties ?) Wait and see when they vote. Sir, the first important point on which I propose to oppose this Bill is in regard to the question of adult suffrage. I do not think it will be possible to have adult suffrage in the present circumstances of this country. Even in advanced countries like England, the franchise is more restricted in regard to

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